

THE CITY OF NEW YORK  
LAW DEPARTMENT  
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MEMO ENDORSED

October 22, 2007

**BY FAX (212) 805-6326**

The Honorable Colleen McMahon  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

Re: James Ryan v. City of New York, et al.  
07 CV 07107(CM)(KNF)

10/23/07  
[Signature]

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to this matter. Without appearing on their behalf or making any representations as to the adequacy of service or otherwise, it is respectfully requested that defendants Hailyn Oliveras and Jasmin Nikovevic<sup>1</sup> be granted an enlargement of time from the present date until November 22, 2007, to answer or otherwise respond to plaintiff's complaint. Plaintiff's counsel, Cynthia Helen Conti-Cook, Esq., consents to this request. This is defendants Oliveras & Nikivevic's first request for an enlargement of time to respond to plaintiff's complaint.

This extension will enable this office to determine, pursuant to Section 50-K of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent the individually named defendants. See Mercurio v. City of New York, et al., 758 F.2d 862, 864-865 (2d Cir. 1985)(quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486

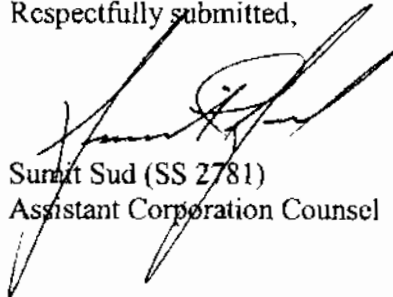
<sup>1</sup> Upon information and belief, Deputy Inspector J. Harris has not been served with process in the this action.

N.Y.S.2d 918 (1985))(decision whether to represent individual defendant is made by the Corporation Counsel as set forth in state law).

If Your Honor is inclined to grant this request, defendants submit that it will in no way interfere with the parties' ability to proceed with discovery. Today, defendants City of New York and Raymond Kelly will serve their response to plaintiff's complaint. Further, plaintiff has served defendants with initial disclosures, Interrogatories and Requests for the Production of Documents, and defendants intend to do likewise by the end of the week. In addition, and in accordance with Your Honor individual rules of practice, defendants will file any notice of motion premised on qualified immunity at the same time as defendants Oliveras' and Nikovevic's answer and defendants hold that the instant request will not interfere with defendants ability to do so.

Accordingly, without appearing on their behalf or making any representations as to the adequacy of service or otherwise, it is respectfully requested that defendants Hailyn Oliveras and Jasmin Nikovevic be granted an enlargement of time to answer or otherwise respond to plaintiff's complaint until November 22, 2007. Thank you for your consideration of this request.

Respectfully submitted,



Sumit Sud (SS 2781)  
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cc: Cynthia Helen Conti-Cook, Esq.  
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